

ANNAMITE CIVILIZATION

ultimately, an act of society's vengeance upon its enemies. It must be admitted that the Annamite ideal has, in many cases miscarried, for some of their severest penalties betray an element of revenge.

Social utility is the yardstick by which penalties must be appraised: their severity is apportioned to the harm done to the nation. Guilt is gauged partly according to circumstances but more to the rank, age, and sex of both the victim and aggressor, as well as the amount of damage done. Whereas Western law is divided into afflictive, infamous, and correctional penalties, the Annamites classify them as atrocious crimes, which cannot be pardoned, or as serious misdemeanours, whose punishments can be commuted to a money payment, and lesser delinquencies. There is far less concern in the mind of the Annamite legislator as to whether or not the delinquent was responsible for his actions. One may be punished for crimes committed by others, and also even if one is admittedly insane. It is true that varying degrees of guilt among the accomplices of a crime are more finely gauged than in Western axles, but the Annamite magistrate is not allowed to use his judgment, as in the West, in applying a sliding scale of maximum and minimum penalties. Only the Emperor has the privilege of mercy, for the legislator has more confidence in the impartiality of his code than in that of the judges. In its concern to uproot anti-social designs, the code punishes the criminal's family, confiscates his possessions, and occasionally even disciplines his commune. Those who have prescience of a crime, which they do not report, are also penalized. Crime is treated like an epidemic which must at all cost be stamped out. This is why espionage and mutual denunciations were encouraged, and they still disfigure Anna-

mite society.

The corporal punishments in the Annamite code revolt the Westerner. Though it is true that many of the worst of them had disappeared, long before the French conquest, the principle of corporal punishment was still admitted. One must also remember that because of his totally different conception of death, the Oriental prefers strangulation to decapitation. In this he considers not the physical pain involved, but the preservation of his body in order to facilitate the soul's passage into the spirit world. Exile, a penalty introduced by the French, is far worse to them than any form of **death**. Moreover, the slow deaths **emimec&ted** in the Annamite code> as punishment for treason and patricide, show certainly no more barbaric state of mind than that of **the** seventeenth-century French gentlemen who were pleased to witness the agonies of Ravailac. Assorted penalties for crimes of a lesser nature